

INITIATIVE 190

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 190 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to firearm and ammunition safety; adding a new
2 chapter to Title 9 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** This act shall be known as the firearm and
5 ammunition safety licensing act.

6 NEW SECTION. **Sec. 2.** (1) No person, except as expressly exempted
7 by this chapter, may buy, sell, distribute, or possess a firearm as
8 defined in RCW 9.41.010 or ammunition in this state unless the person
9 has a valid firearm and ammunition safety license issued to residents
10 of this state by the Washington state department of licensing under
11 this chapter. Every licensee must have his or her firearm and
12 ammunition safety license in his or her immediate possession at all
13 times when in possession of a firearm or ammunition and shall display
14 the same upon demand to any police officer or to any other person when
15 and if required by law to do so. A violation of this subsection on the
16 first offense is a misdemeanor, on the second offense a gross
17 misdemeanor, and on the third and subsequent offenses a class C felony
18 under chapter 9A.20 RCW. Prosecutions under this subsection are in

1 addition to and not in lieu of prosecutions under RCW 9.41.040. The
2 effective dates for application of this section are:

3 (a) For purchase, sale, or distribution of a firearm, July 1, 1998;

4 (b) For possession of a firearm, January 1, 1999;

5 (c) For purchase or possession of ammunition, July 1, 1999.

6 (2) For the purposes of this chapter:

7 (a) A "resident" is a person who manifests an intent to live or be
8 located in this state on more than a temporary or transient basis.
9 Evidence of residency includes but is not limited to:

10 (i) Becoming a registered voter in this state; or

11 (ii) Applying for a Washington state driver's license; or

12 (iii) Residing within the state for a period of thirty or more
13 consecutive days; or

14 (iv) Receiving benefits under one of the Washington public
15 assistance programs; or

16 (v) Declaring that he or she is a resident for the purpose of
17 obtaining a state license or tuition fees at resident rates.

18 (b) "Washington public assistance programs" includes only public
19 assistance programs for which more than fifty percent of the combined
20 costs of benefits and administration are paid from state funds.
21 Programs that are not "Washington public assistance programs" include,
22 but are not limited to, the food stamp program under the federal food
23 stamp act of 1964; programs under the child nutrition act of 1966, 42
24 U.S.C. Secs. 1771 through 1788; and aid to families with dependent
25 children, 42 U.S.C. Secs. 601 through 606.

26 (c) "Department" means department of licensing.

27 (3) New Washington residents are allowed thirty days from the date
28 they become residents to procure a valid Washington firearm and
29 ammunition safety license.

30 NEW SECTION. **Sec. 3.** The following persons are exempt from the
31 licensing requirements of this chapter:

32 (1) Any person in the service of the army, navy, air force, marine
33 corps, or coast guard of the United States, or in the service of the
34 national guard of this state or any other state when in possession of
35 a firearm or ammunition as part of the duties of that service;

36 (2) A nonresident who is at least eighteen years of age and who has
37 in his or her immediate possession a valid passport, driver's license,
38 or state identification card issued by another jurisdiction;

1 (3) Any person who is a law enforcement officer duly employed by
2 the United States, Washington state, or one of its political
3 subdivisions;

4 (4) Any person who is younger than eighteen years of age under the
5 circumstances set forth in RCW 9.41.042.

6 NEW SECTION. **Sec. 4.** The department shall not issue a firearm and
7 ammunition safety license under this chapter:

8 (1) To any person prohibited from possessing a firearm by RCW
9 9.41.040;

10 (2) To any person who is required by this chapter to take an
11 examination, unless such person shall have successfully passed such
12 examination;

13 (3) To any person who is required by this chapter to present a
14 certificate of completion of an approved class unless such certificate
15 shall be presented.

16 NEW SECTION. **Sec. 5.** (1) Every application for a firearm and
17 ammunition safety license shall be made upon a form prescribed and
18 furnished by the department, which shall be sworn to and signed by the
19 applicant before a person authorized to administer oaths.

20 (2) Every such application shall state the full name, date of
21 birth, sex, and Washington residence address of the applicant, and
22 briefly describe the applicant, and shall state whether the applicant
23 has ever been licensed under this chapter, and whether the applicant is
24 precluded from possessing a firearm under RCW 9.41.040.

25 (3) The director may conduct such further examination as the
26 director deems necessary to determine whether any facts exist that
27 would bar, under RCW 9.41.040, the issuance of the firearm and
28 ammunition safety license.

29 NEW SECTION. **Sec. 6.** (1) The department may not issue a firearm
30 and ammunition safety license unless the applicant has satisfied the
31 department regarding his or her identity. Except as provided in
32 subsection (2) of this section, an applicant has not satisfied the
33 identity requirement of this section unless he or she displays or
34 provides the department with at least one of the following pieces of
35 valid identifying documentation:

1 (a) A current driver's license or instruction permit that contains
2 the signature, date of birth, and a photograph of the applicant;

3 (b) A Washington state identicard or an identification card issued
4 by another state that contains the signature and a photograph of the
5 applicant;

6 (c) A current or recently expired Washington firearm and ammunition
7 safety license that contains the signature, date of birth, and a
8 photograph of the applicant;

9 (d) An identification card issued by the United States, a state, or
10 an agency of either the United States or a state, of a kind commonly
11 used to identify the members or employees of the government agency,
12 that contains the signature and a photograph of the applicant;

13 (e) A military identification card that contains the signature and
14 a photograph of the applicant;

15 (f) A United States passport that contains the signature and a
16 photograph of the applicant; or

17 (g) An alien firearm license issued by the department under RCW
18 9.41.170.

19 (2) A person unable to provide identifying documentation as
20 specified in subsection (1) of this section may request the department
21 review other available documentation in order to ascertain identity.
22 The department may waive the requirement for specific identifying
23 documentation under subsection (1) of this section if it finds the
24 other documentation clearly establishes the identity of the applicant.

25 NEW SECTION. **Sec. 7.** The department may not issue a firearm and
26 ammunition safety license unless the applicant:

27 (1) Demonstrates through written examination as determined by the
28 department a knowledge of the safe handling and storage of firearms and
29 ammunition; or

30 (2) Presents a certificate of completion issued within the
31 preceding twelve months of a class required for issuance of hunting
32 licenses from a course of study approved under RCW 77.32.155.

33 NEW SECTION. **Sec. 8.** The director shall prescribe the content of
34 the firearm and ammunition safety license examination and the manner of
35 conducting the examination, which shall include but is not limited to
36 a test of the applicant's knowledge of the safe handling and storage of
37 firearms and ammunition.

1 NEW SECTION. **Sec. 9.** The department, upon receipt of a fee equal
2 to the fee charged for issuance of a driver's license under RCW
3 46.20.161, which includes the fee for the required photograph, shall
4 issue to every applicant qualifying therefor a firearm and ammunition
5 safety license, which license shall bear thereon a distinguishing
6 number assigned to the licensee, the full name, date of birth,
7 Washington residence address, and a brief description of the licensee,
8 and either a facsimile of the signature of the licensee or a space upon
9 which the licensee shall write his or her usual signature with pen and
10 ink immediately upon receipt of the license. A license providing a
11 space for signature shall not be valid until it has been so signed by
12 the licensee.

13 NEW SECTION. **Sec. 10.** Every firearm and ammunition safety license
14 expires on the fourth anniversary of the licensee's birthdate following
15 the issuance of the license. Every such license is renewable on or
16 before its expiration upon application prescribed by the department.
17 The fee for renewal shall be equal to the fee charged for renewal of a
18 driver's license including the fee for the required photograph under
19 RCW 46.20.181.

20 NEW SECTION. **Sec. 11.** (1) If a license is lost or destroyed the
21 person to whom it was issued may obtain a duplicate of it upon
22 furnishing proof of such fact satisfactory to the department and
23 payment of a fee of five dollars to the department.

24 (2) A replacement license may be obtained to change or correct
25 material information upon payment of a fee of two dollars and surrender
26 of the license being replaced.

27 NEW SECTION. **Sec. 12.** The department shall forthwith revoke the
28 license issued to any person under this chapter upon a determination
29 that the possession, ownership, or control of a firearm by the person
30 is unlawful under RCW 9.41.040.

31 NEW SECTION. **Sec. 13.** All laws or parts of laws of the state of
32 Washington, its subdivisions, and municipalities inconsistent herewith
33 are hereby preempted and repealed.

1 NEW SECTION. **Sec. 14.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act shall
6 constitute a new chapter in Title 9 RCW.

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